

UNITED STATES DISTRICT COURT

for the

Northern District of Indiana

SEALED

United States of America

v.

DAVID MANCHA HERNANDEZ

Defendant(s)

Case No.

3:20 MJ 59

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 2019 to March 2020 in the county of Elkhart in the Northern District of Indiana, the defendant(s) violated:

Code Section

18 U.S.C. § 912

Offense Description

Falsely pretending to be an officer or employee acting under the authority of the United States

This criminal complaint is based on these facts:

See attached affidavit of Dwight McCurdy, Special Agent, Federal Bureau of Investigation

-FILED-

JUN 16 2020

At
ROBERT N. TRGOVICH, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

☒ Continued on the attached sheet.


Complainant's signature
Dwight McCurdy, S/A, FBI
Printed name and title

Sworn to before me and signed in my presence.

Date: 06/16/2020

City and state: South Bend, Indiana

/s/Michael G. Gotsch, Sr.

Judge's signature

Michael G. Gotsch, Sr., U.S. Magistrate Judge

Printed name and title

SEALED

AFFIDAVIT

I, Dwight McCurdy, being duly sworn, depose and state:

Introduction

I am a law enforcement officer currently assigned to the Federal Bureau of Investigation (FBI), within the meaning of Section 2510(7) of Title 18, United States Code, and am empowered by law to conduct investigations of and to make arrests for subjects who commit federal crimes, including impersonation of a United States federal employee.

I have been an FBI Special Agent for 21 months and I am currently assigned to the Indianapolis Division. In the course of business, the FBI receives referrals from local law, state, and federal law enforcement agencies on violations of federal law. The FBI reviews and investigates this information and takes action based upon determining and substantiating that criminal activity took place. I have participated in investigations involving violations of federal laws. Through these investigations, my training and experience, and conversations with other agents and law enforcement personnel, I have become familiar with the methods used by individuals to commit violations of federal law. I have previously been the affiant for federal search warrants and have assisted other state and local agencies, as well as Assistant United States Attorneys, in the preparation of affidavits for search warrants.

The facts in this Affidavit come from my personal observations, training, experience, and information obtained from agents, witnesses and other law enforcement members. This Affidavit is intended to show merely that there is sufficient probable cause for the requested arrest warrant and does not set forth all of my knowledge about this matter.

Person to be arrested

Affiant seeks to arrest and criminally complain David Mancha HERNANDEZ for violations of Title 18, United States Code, Section 912: falsely pretending to be an officer or employee acting under the authority of the United States.

The Investigation

The information contained in this Affidavit was developed during an investigation initiated by the Elkhart Police Department, and later adopted by the FBI as it relates to a person pretending to be an agent with United States Immigration and using this impersonation to defraud victims of cash from July 2019 to and including March 2020.

1. On May 3, 2020, Elkhart Police Department officers met with numerous victims who reported David HERNANDEZ posed as an Immigration Officer and advertised to be able to acquire legalization paperwork for the victims in exchange for money. To further convince the victims of his status as an Immigration Officer, David HERNANDEZ displayed a badge and a handgun to the victims.

2. On May 18, 2020, I interviewed Victim #1. Victim #1 reported David HERNANDEZ posed as an Immigration Officer and advertised to be able to acquire United States legalization for Victim #1 in exchange for \$6,500. David HERNANDEZ displayed a badge and a handgun to Victim #1 in order to provide proof of his role as an Immigration Officer. Victim #1 provided David HERNANDEZ with \$6,500. At the request of David HERNANDEZ, Victim #1 paid David HERNANDEZ in cash. Victim #1 was told by David HERNANDEZ that Victim #1 would receive his/her immigration paperwork within six months.

3. On May 28, 2020, I interviewed Victim #2. Victim #2 reported David HERNANDEZ posed as an Immigration Officer and advertised to be able to acquire United States legalization for Victim #2 and his/her spouse in exchange for \$6,500 each. David HERNANDEZ displayed a badge and a handgun to Victim #2 in order to provide proof of his role as an Immigration Officer. Victim #2 met with David HERNANDEZ approximately five times in order to make payments. At the request of David HERNANDEZ, Victim #2 paid David HERNANDEZ in cash. David HERNANDEZ had Victim #2 sign immigration paperwork and Victim #2 provided copies of their birth certificate, passport, and vaccination records to David HERNANDEZ. David HERNANDEZ also took Victim #2's fingerprints. Victim #2 was told by David HERNANDEZ that Victim #2 would receive his/her immigration paperwork within six months.

4. On May 28, 2020, I interviewed Victim #3. Victim #3 reported David HERNANDEZ posed as an Immigration Officer and advertised to be able to acquire United States legalization for Victim #3 in exchange for \$6,500. Victim #3 provided David HERNANDEZ with \$3,000. Victim #3 provided an audio recording of David HERNANDEZ. In the recording David HERNANDEZ admitted to Victim #3 of not being able to help the other victims. Victims #3 also provided a photograph of David HERNANDEZ which matched the photograph of David HERNANDEZ's Bureau of Motor Vehicles' photograph.

5. On May 29, 2020, I inquired with the Immigration and Customs Enforcement Office of Professional Responsibility in Chicago, Illinois, whether David HERNANDEZ was listed as an employee with United States Immigration. David HERNANDEZ was not listed as an employee with the United States Department of Homeland Security (DHS) under David HERNANDEZ's date of birth and social security number.

6. As the investigation continues, victims continue to be identified. So far, David HERNANDEZ acquired approximately \$121,500 in cash from nineteen (19) identified victims. In each occurrence, David HERNANDEZ identified himself as an employee with United States Immigration. To further the scheme, David HERNANDEZ acquired copies of fingerprints, birth certificates, and passport photos from many of the victims. The victims never received anything in return from the money provided to David HERNANDEZ.

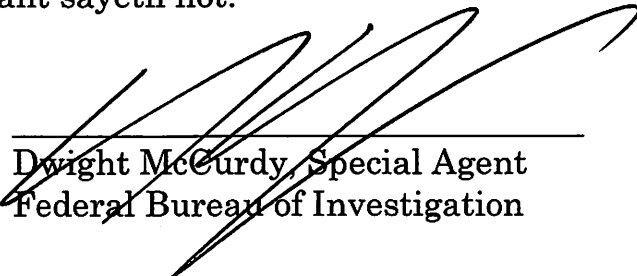
The victims all lost contact and were not able to get in contact with David HERNANDEZ since February and March of 2020. All victims described David HERNANDEZ as an older Hispanic male in his sixties.

7. Our investigation has shown that HERNANDEZ has left the Northern District of Indiana and is now located in the area of Edingburg, Texas, near the border with Mexico.

Conclusion

Based on the above information, I believe there is probable cause that David Mancha HERNANDEZ, by impersonating as a United States Immigration Officer, took money belonging to nineteen (19) identified victims, in violation of Title 18, United States Code, Section 912.

Further your affiant sayeth not.



Dwight McCurdy, Special Agent
Federal Bureau of Investigation

Subscribed and sworn before me this 16th day of June 2020.

/s/Michael G. Gotsch, Sr.
Honorable Michael G. Gotsch, Sr.
Magistrate Judge
Northern District of Indiana – South Bend Division